

Hon. Barbara Rothstein

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

JAMES and SHAYLEE MEDICRAFT,  
husband and wife and the marital  
community thereof, themselves and on  
behalf of their minor children: J.M., A.M.,  
E.M., M.M. and N.M.,

Plaintiffs,

v.

THE STATE OF WASHINGTON, et al.,

Defendants.

NO. 2:21-cv-01263-BJR

ORDER GRANTING  
STIPULATED MOTION FOR  
FRCP 35 MEDICAL EXAM OF  
PLAINTIFF JAMES MEDICRAFT

THIS MATTER has come before the Court on Defendants, the State of Washington, Department of Children Youth and Families (DCYF); Tanessa Sanchez and John Doe Sanchez; Tabitha Culp and John Doe Culp; Elizabeth Sterbick and John Doe Sterbick; Tabitha Pomeroy and John Doe Pomeroy; Ross Hunter and Jane Doe Hunter; Bonnie White and John Doe White's Stipulated Motion for FRCP 35 Medical Exam Of Minor Plaintiffs, said Defendants appearing through Robert W. Ferguson, Attorney General, and Assistant Attorneys General, Peter Kay; Tender Defense appearing through Paine Hamblen; Plaintiffs, appearing through their counsel, Nathan J. Arnold; Defendants Derek Leuzzi and Jane Doe Leuzzi, appearing through their counsel, Emma Gillespie and Kelsey Norman; Defendant Phoenix Protect Corp., appearing through their

1 counsel, Eron Z. Cannon and Jesse C. Williams; Defendants Lufti Al Marfadi and Jane Doe  
2 Marfadi, appearing through their counsel, Benjamin J. Lantz; and all parties having stipulated and  
3 the Court having considered the Stipulated Motion, and good cause appearing, now, therefore:

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5 **ORDERS and ADJUDGES** the following:

6 1. The Independent Mental Exam of Plaintiff JAMES MEDICRAFT by Dr. Jill McGovern  
7 will be held as follows:

8 a. Date and time of Examination: Wednesday February 8, 2023 at 9:00 A.M (Noon east coast  
9 time) and continuing as needed, with reasonable breaks, up to 4 hours.

10 b. Location of Examination: The exam will be conducted by remote medical video platform,  
11 with internet links to be provided to the Plaintiff and any representative of the Plaintiff present  
12 under section 2.

13 c. Examiner: Dr. Russell Vandenberg, MD.

14 d. Scope: The examination is to evaluate the Plaintiff's past mental and emotional trauma,  
15 adaptive functioning, current mental health/psychological concerns and any future mental  
16 health/psychological treatment. The examination will include a records review, the  
17 administration of valid and reliable testing routinely used by forensic medical and mental health  
18 experts to evaluate individuals, and a clinical interview. The examination will be conducted  
19 according to professional standards as to such examinations. No invasive tests, such as MRI's,  
20 blood testing, or X-rays shall be administered during the examination.

21 2. The Plaintiff may have a representative present, who is not a potential witness, friend, or  
22 a relative of the Plaintiff. The representative may observe, but may not interfere or obstruct the  
23 examination.

24 3. The examination may be audio taped or videotaped, as long as the recording is  
25 unobtrusive. However, no recording shall be permitted during the testing portion of the remote  
26 medical video platform examination.

1 4. Any raw data for any testing performed shall be made available to the Plaintiff's retained  
2 psychological experts(s) upon request.

3 5. Pursuant to FRCP 35, Plaintiff hereby requests and Defendants shall produce a signed  
4 written report setting forth the examiner's findings, including diagnosis, conclusions, and the  
5 results of any testing within forty five (45) days of the examination.

6 DATED this 15th day of February, 2023  
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10 The Honorable Barbara J. Rothstein  
11 United States District Court Judge  
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